

Town Board Minutes

December 7, 2015

Meeting No. 35

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7th day of December 2015 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT
OFFICER
WILLIAM KARN, POLICE CAPTAIN
MARK LUBERA, PARK CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 7:02 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a litigation matter.

At 7:11 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Buchholz, Bill, spoke to the Town Board on the following matter:

- Fundraising – for the Bryce Buchholz Foundation.

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Concerns about WalMart's Cooperation.
- Nursing staffing at hospitals.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Wants Town to show reverence to Veterans.
- Engagement of outside counsel.
- Town Board room flag.
- Parking on Harris Hill Road.
- Truck parking at WalMart and storage trailers at WalMart.
- Sale of Christmas Trees and requirement for permits to sell trees.
- Bollards at Public Safety Building.

Hartman, Tom, spoke to the Town Board on the following matter:

- Construction of Hidden Meadow Subdivision – access road, soil removal.

Johnson, Heather, spoke to the Town Board on the following matter:

- Local law regulating bow hunting distances.

Knauber Bain, Linda, spoke to the Town Board on the following matter:

- Safe staffing for Quality Care Act resolution.

Morton, Ted, Erie County Legislator, spoke to the Town Board on the following matter:

- Looks forward to working with the board and appreciates the cooperation of the current board.

Mueller, Deb, spoke to the Town Board on the following matter:

- Safe Staffing for Quality Care Act Resolution.

Shulski, Ken, spoke to the Town Board on the following matter:

- Bow hunting on property behind his house.

Bauchle, Jason, spoke to the Town Board on the following matter:

- Damage done to his driveway during the November 2014 storm.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: Special Use Permit – Kenworth
Northeast Group, Inc.**

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY
COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Special Use Permit – Kenworth Northeast Group, Inc. matter.

The affidavits of publication and posting of this Public Hearing are on file and
a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL
MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:15 P.M.

Decision on this matter was reserved.

December 7, 2015

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held November 16, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 42271 to Claim No. 42424 Inclusive

Total amount hereby authorized to be paid: \$ 3,407,763.10

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015
File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
24754		Andy & Tami Pham	67 Middlebury Ln	Er. Fence	
24755		Kirst Construction, Inc.	6681 Transit Rd	Er. Comm. Add./Alt.	
24756		John Lajoie	53 Avian Way	Er. Shed	
24757		Stockmohr Co., Inc.	12 Ashwood Ct	Re-Roof	
24758		Sahlems Roofing & Siding, Inc	6337 Transit Rd	Re-Roof	
24759		David Deutschlander	50 Fifth Ave	Er. Deck	(V/L)
24760		Honey Lucciano	12 Burwell Ave	Er. Res. Add.	(V/L)
24761		Patrick & Eunok Patota	13 Pear Tree Ln	Er. Shed	
24762		Jessica J. Emden	41 Quincy Ave	Re-Roof	(V/L)
24763		Zenner & Ritter Co., Inc.	56 Nicholas Ln	Inst. Generator	
24764		Zenner & Ritter Co., Inc.	5639 Broadway	Inst. Generator	(V/L)
24765		Verizon Wireless	525 Pavement Rd	Er. Com. Tower	
24766		Scott Enterprises, Inc.	3758 Bowen Rd	Re-Roof	
24767		Schuster Construction, LLC	167 Laverack Ave	Re-Roof	(V/L)
24768		City Fence, Inc.	262 Enchanted Forest N	Er. Fence	
24769		Kristin M. Hein	23 Church St	Re-Roof	(V/L)
24770		City Fence Inc	1099 Penora St	Er. Fence	
24771		Robert Monti	5813 Broadway	Er. Sign - Temp	
24772		Robin Michalski	47 Brockton Dr	Inst. Generator	
24773		Dorothy Sojda	568 Aurora St	Inst. Generator	
24774		Jos & Mary Kauschinger	260 Ransom Rd	Er. Shed	
24775		Richard Albert	33 Hidden Trl	Er. Res. Alt.	
24776		Ryan Homes - NVR Inc.	692 Pleasant View Dr	Er. Dwlg.-Sin.	
24777		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24778		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24779		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24780		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24781		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24782		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24783		Randy Bloechi	5354 Genesee St	Er. Townhouses	
24784		The KAZ Company	19 Hampton Ct	Re-Roof	
24785		Natale Development	375 Harris Hill Rd	Er. Res. Apartment	
24786		Natale Development	375 Harris Hill Rd	Er. Garage	
24787		Natale Development	375 Harris Hill Rd	Er. Res. Apartment	
24788		Natale Development	375 Harris Hill Rd	Er. Res. Apartment	
24789		John & Michele Seelig	123 Garfield St	Inst. Generator	(V/L)
24790		Sahlems Roofing & Siding Inc.	49 Lake Forest Pky E	Re-Roof	
24791		Altema South LLC	4367 Walden Ave	Install Tank(s)	
24792		Oneida Fence	20 Fox Trace	Er. Fence	
24793		Neil & Penny Striker	164 Sawyer Ave	Re-Roof	(V/L)
24794		Jeffrey & Julie Sentiff	142 Siebert Rd	Re-Roof	
24795		Ronald & Lori Beth Roberts	31 Rose St	Inst. Generator	
24796		Leveled Contracting, Inc.	32 Signal Dr	Re-Roof	
24797		Richard Striegel II	41 Brandel Ave	Er. Res. Alt.	(V/L)
24798		Dennis Haniszewski	859 Ransom Rd	Re-Roof	
24799		Chester & Elsie Haniszewski	1147 Ransom Rd	Re-Roof	
24800		Cooper Sign Co. Inc. & ENDT#1	5915 Broadway	Er. Sign - Pole	
24801		Kenneth M. Fetterman	220 Seneca Pl	Er. Fence	
24802		5123 Transit LLC	5123 Transit Rd	Er. Sign - Pole	
24803		Michael Winkler	86 Holland Ave	Re-Roof	(V/L)
24804		Fairway Hills Development	36 Pear Tree Ln	Er. Dwlg.-Sin.	

24805	Ryan Homes - NVR Inc.	38 Pear Tree Ln	Er. Dwlg.-Sin.	
24806	Irwin Roofing	4 Chapin Cir	Re-Roof	
24807	Carl Mildenberger	12 Lakeside Cres	Er. Res. Add.	(V/L)
24808	Superior Exteriors of Buffalo	36 Woodgate Dr	Er. Res. Alt.	
24809	D. Vacanti & E. Cloen	541 Erie St	Re-Roof	
24810	DPL Delaware Corp.	6W Main St	Er. Comm. Add./Alt.	(V/L)
24811	Kevin P. Cross	16 Creekwood Dr	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated November 30, 2015 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) at the Youth Bureau, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Katie Lutz (rehire) Lancaster, NY	Tutor	\$15.00	November 30, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Assembly Bill 01548 and Senate Bill 00782 have been introduced in the 2015-2016 legislative session to amend public health laws to require all acute care facilities and nursing homes to meet standards for appropriate staffing ratios of nursing and unlicensed direct care staff; and

WHEREAS, the proposed amendment would establish minimal nurse-to-patient ratios based on peer-reviewed academic research and evidence-based recommendations; and

WHEREAS, the proposed amendment requires public disclosure of facility staffing requirements; and

WHEREAS, a residential healthcare facility council would be established that would assist in the development and maintenance of required minimum staff hours of care per resident per day; and

WHEREAS, the Journal of the American Medical Association (JAMA) published research that estimated five additional deaths per 1000 patients occurred in hospitals that routinely staff with a 1:8 nurse-to-patient ratio compared to those staffing with a 1:4 nurse-to-patient ratio; and

WHEREAS, the JAMA research also found that the odds of patient death increase by 7% for each additional patient the nurse must care for at one time; and

WHEREAS, The Federal Agency of Healthcare Research and Quality (AHRQ) found that the hospitals with lower nursing staff levels had higher rates of pneumonia, shock, cardiac arrests, urinary tract infections and upper gastrointestinal bleeds, which all led to a higher cost of mortality from hospital acquired company complications;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster Town Board hereby urges the New York State lawmakers to support the passage of New York Assembly Bill 01548 and Senate Bill 00782 to amend the Public Health Law in relation to enacting the “Safe Staffing for Quality Care Act” to require acute care facilities and nursing homes to implement certain direct-care nurse-to-patient ratios in all nursing facilities.

AND BE IT FURTHER,

RESOLVED, that the Clerk of the Town of Lancaster shall forward copies of this resolution to Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Assembly and Senate Majority and Minority leaders, the Assembly and Senate Healthcare Committee Chairmen, Assembly Ways and Means Committee Chairmen, Senate Finance Committee Chairman, all Erie County elected Assembly members and Senators, and the Communication Workers of America District 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Assessor of the Town of Lancaster has recommended to the Town Board the reappointment of John Ostrowski as a member of the Town of Lancaster Assessment Review Board.

NOW, THEREFORE, BE IT

RESOLVED, that John Ostrowski, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Assessment Review Board for the term of October 1, 2015 through September 30, 2020.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

BE IT FURTHER,

RESOLVED, that according to Section 523 of the Real Property Tax Law, the Town Clerk shall notify the Erie County Director of Real Property Services within twenty (20) days of this appointment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends Section 46-13(A) within Chapter 46 “Vehicle and Traffic ” Article X “Parking, Standing and Stopping”, Section 13(A) “Standing prohibited in designated locations”; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQR, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on November 16, 2015, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law No. 9 of 2015 is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

**LEGAL NOTICE-
NOTICE OF ADOPTION
LOCAL LAW NO. 9 OF THE YEAR 2015
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on December 7, 2015 Local Law No. 9 of the Year 2015, which amends the Town of Lancaster Code, Chapter 46. “Vehicle and Traffic” Article X: “Parking Standing and Stopping” Section 13(A) “Standing prohibited in designated locations,” which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 10, 2015

Town of Lancaster
Local Law No. 9 of 2015

A Local Law Amending the Town of Lancaster “Vehicle and Traffic” Code Article X: “Parking Standing and Stopping” Section 13(A) “Standing prohibited in designated locations” by renumbering street locations in §46-13(A).

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Section 46-13(A) of the Town of Lancaster Town Code is amended as follows:

Chapter 46 – VEHICLE AND TRAFFIC

Article X. Parking Standing and Stopping

§46-13 – Standing prohibited in designated locations.

A. The Standing of vehicles is hereby prohibited in any of the following locations:

.....

DELETE: (71), (72) and (73)

ADD: (15).....

(k) On the north side of Country Place west of the Sara Lane intersection and continuing for 175 feet.

(71) In Bowmansville, on the east side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Old Genesee.

(72) In Bowmansville, on the west side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Anna Drive.

Section 2: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 3: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Advantage Trucks.com LLC, 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector, by letter dated December 1, 2015, has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Advantage Trucks.com LLC, 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2016 to December 31, 2016 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

WHEREAS, 85 percent of New York's roads and bridges are maintained by local governments; and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

WHEREAS, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

WHEREAS, the State Comptroller estimates that there will be \$89 billion unmet local infrastructure needs over the next 20 years; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

WHEREAS, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

WHEREAS, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

WHEREAS, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and

BE IT FURTHER,
RESOLVED, that the Town of Lancaster calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER,
RESOLVED, that the Town of Lancaster calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously; and

BE IT FURTHER,
RESOLVED, that the Town Clerk of the Town of Lancaster shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Temporary President John J. Flanagan, Senator Patrick M. Gallivan, Assembly member Angela M. Wozniak, NYS Association of Town Superintendents of Highways, Inc. and all others deemed necessary and proper.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law of the State of New York authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town except State Highways, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER";

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle and Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of December , 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published in the Lancaster Bee newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of December, 2015, the said Town Board will hold a Public Hearing on the 21st day of December, 2015 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

ARTICLE X – Parking, Standing, and Stopping

46-12. Parking prohibited in designated locations, is hereby amended by adding thereto the following:

- A. The parking of vehicles is hereby prohibited in any of the following locations:

(73) Hidden Pines Subdivision

- (a) On both sides of Silent Meadow Lane from lot number 19 to the dead end.**
- (b) In the Turn-around on the East and West sides and at the dead end.**

and

ARTICLE X – Parking, Standing, and Stopping

46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

- A. The standing of vehicles is hereby prohibited in any of the following locations:

(73) Hidden Pines Subdivision

- (a) On both sides of Silent Meadow Lane from lot number 19 to the dead end.**
- (b) In the Turn-around on the East and West sides and at the dead end.**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 10, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster Highway Superintendent has expressed a need for a facility to store Highway equipment while the construction of the Highway Department’s Pre-engineered shed is being completed, and

WHEREAS, DiPizio Construction Co., Inc. has offered to lease space at their facility located at 100 Stradtman Street, Cheektowaga, New York to the Town for storage of said equipment and provided a proposed Lease Agreement for same, and

WHEREAS, the Town Attorney has reviewed the proposed Lease agreement which would be for five hundred dollars (\$500.00) per month, beginning December 1, 2015 and terminating February 29, 2016, with the option of the agreement being extended on a month to month basis as needed thereafter , and

WHEREAS, the Town Board of the Town of Lancaster has determined that it is in the best interest of the Town to enter into the Lease Agreement with DiPizio Construction Co., Inc. to provide space for the storage of various Highway equipment.

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute a lease with DiPizio Construction Co., Inc. for space at their facility located at 100 Stradtman Street, Cheektowaga, New York for storage of various Town of Lancaster Highway Department equipment for a term commencing December 1, 2015 and terminating February 29, 2016, at a rate of five hundred dollars (\$500.00) per month per the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, upon reviewing the budgetary accounts of the Town of Lancaster,
the Supervisor has determined the need for various adjustments to the 2015 Adopted Budget of
the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby
approved in the 2015 adopted budget of the Town of Lancaster:

General Fund - Townwide	<u>Increase</u>
01-599 Appropriated Fund Balance	276,000
01-960 Budget Appropriations	276,000
01-1430-410 Personnel, Professional Services	75,000
01-1680-210 Central Data Proc., Equip./Capital Outlay	15,000
01-1680-410 Central Data Proc., Professional Services	15,000
01-1930-411 Special Items, Judgements & Claims	25,000
01-1940-411 Special Items, Purchase of Land	97,000
01-9089-115 Emp. Benefits – Other, Retirement Sell Backs	49,000
Police Fund	
05-510 Estimated Revenues	38,000
05-3389 State Aid, Other Public Safety	20,000
05-4389 Federal Aid, Other Public Safety	18,000
05-599 Appropriated Fund Balance	756,000
05-960 Budget Appropriations	794,000
05-3120-100 Police, Salaries	550,000
05-3120-102 Police, Overtime	150,000
05-3120-128 Police, Grant-related Overtime	38,000
05-9030-803 Employee Benefits, FICA/Medicare Taxes	56,000
Highway Fund - Town Outside Villages	
13-510 Estimated Revenues	775,000
13-4960 FEMA Emergency Disaster Assistance	775,000
13-960 Budget Appropriations	775,000
13-5110-413 General Repairs, Curb/Apron Replacement	775,000
Miscellaneous Special Revenue - Police Asset Forfeiture	
31-510 Estimated Revenues	22,000
31-4389 Federal Aid, Drug Forfeiture Funds	22,000
31-960 Budget Appropriations	22,000
31-3120-220 Vehicle	22,000
Miscellaneous Special Revenue Fund – Tree Planting Fee	
33-510 Estimated Revenues	20,000
33-2770 Tree Planting Fees	20,000
33-599 Appropriated Fund Balance	39,800
33-960 Budget Appropriations	59,800
33-8000-200 Home & Community Service, Equipment and Capital Outlay	7,200
33-8000-400 Home & Community Service, Contractual Expenses	52,600
Special District Fund – Fire Protection District	
50-599 Appropriated Fund Balance	15,000
50-960 Budget Appropriations	15,000
50-3410-481 Fire Protection, Hydrant Rentals	10,000
50-3410-483 Fire Protection, Hydrant Repairs	5,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letters dated December 1, 2015 and December 2, 2015, has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Parks, Recreation and Forestry Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Joseph Jankowski (rehire) Hamburg, NY	Recreation Attendant	\$9.00	November 7, 2015
Samuel Flading (new hire) Hamburg, NY	Recreation Attendant	\$9.00	December 5, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the retention of Phillips Lytle LLP as special counsel to provide legal services in relation to the matter involving a Town employee discussed during the executive session held on December 7, 2015, and authorizes the Town Attorney to execute the engagement letter as presented.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the James Metz Memorial Fund Corporation was constituted to honor the memory of James Metz, a Town of Lancaster resident who, at the age of 14, tragically lost his life in an airplane crash during September 2014; and

WHEREAS, the Fund has proposed modifications and improvements to the tennis and basketball court areas in the Town’s Keysa Park in honor of James Metz and for the betterment of the community; and

WHEREAS, the Town Board has determined that it is in the Town’s best interests to undertake such modifications and improvements in order to enhance the recreational programs available to Town residents and area youth;

NOW, THEREFOR, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the agreement, as presented, between the Town of Lancaster and the James Metz Memorial Fund Corporation, for the undertaking of modifications and improvements to the tennis and basketball court areas in the Town’s Keysa Park.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

NOW, THEREFOR, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves, as presented, the amendments to the respective employment agreements of (a) Chief of Police Gerald Gill, (b) Police Captain Marco Laurienzo and (c) Police Captain William Karn.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	NO

December 7, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town of Lancaster, with the assistance from URS Corporation, has gathered information and prepared the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update (“the Plan”), and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, an opportunity has been afforded to the citizens to allow comment and to provide input in the Plan and the actions in the Plan, and

WHEREAS, the Town of Lancaster has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE,
BE IT RESOLVED that the Town of Lancaster adopts the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions of the Plan.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

December 7, 2015

COMMUNICATIONS & REPORTS

- 715. Highway Superintendent to Planning Board Chairman –**
No objection to site plan for Hellenic Orthodox Church new worship center and banquet facility, 5994 Genesee St. (Proj. #1434).
Disposition = Received & Filed
- 716. Highway Superintendent to Town Board –**
Maps showing areas of no parking signs on Via Tripodi and Via Donato.
Disposition = Received & Filed
- 717. Park Crew Chief to Planning Board Chairman, Planning Board, Council Member Abraham, Council Member Ruffino and Council Member Stempniak –**
No issues with site plan for Hellenic Orthodox Church new worship center and banquet facility, 5994 Genesee St. (Proj. #1434). Disposition = Received & Filed
- 718. Village Clerk to Town Board –**
Minutes from regular meeting held on October 26, 2015.
Disposition = Received & Filed
- 719. Joseph M. Stearns, Advantage Trucks.com to Town Clerk –**
Renewal application for salvage yard license for 933 Ransom Road.
Disposition = Resolution 12/7/15
- 720. Town Engineer to Town Board –**
Recommend acceptance of P.I.P. #744 for street lighting at Creekside at Pleasant Meadows Phase II. Disposition = For Resolution
- 721. Town Clerk to Town Board –**
Copy of application for a 2016 License to Conduct a Salvage Yard for Advantage Trucks.com, LLC. Disposition = For Resolution
- 722. Wyoming Erie Regional EMS Council to Supervisor –**
Notice of Public Hearing regarding Mercy Flight, Inc. d/b/a Mercy EMS for expansion of its primary ambulance operating territory.
Disposition = Received & Filed
- 723. James Perry to Supervisor-Elect and Town Board –**
Request for reappointment to another term on the Town of Lancaster Zoning Board of Appeals. Disposition = Received & Filed
- 724. Planning Board Chairman to Town Board, Planning Board, Engineering Consultant, Town Attorney, Highway Superintendent, and Building Inspector –**
Draft copy of minutes from meeting held on November 18, 2015.
Disposition = Received & Filed
- 725. Planning Board to Town Board –**
Memo tabling site plan review for Hellenic Orthodox Church, 5994 Genesee St. (Proj. #1434) to a future Planning Board meeting. Disposition = Received & Filed
- 726. Town Clerk to Town Board –**
Copy of renewal application for 2016 License to Operate a Salvage Yard for Ransom Auto Parts. Disposition = For Resolution
- 727. Town Clerk to Town Board –**
Copy of renewal application for 2016 License to Operate a Salvage Yard for Ed Henning Inc. Disposition = For Resolution
- 728. Executive Director, Youth Bureau to Supervisor and Town Board –**
Recommend one individual for hire as a regular part-time tutor for the Lancaster Youth Bureau effective November 30, 2015. Disposition = Resolution 12/7/15

729. Town Clerk to Town Board –
Copy of renewal application for 2016 License to Operate a Salvage Yard for Anthony E. Renkas dba AJ.'s Auto LLC. Disposition = For Resolution
730. Village of Lancaster to Town Board –
Copy of minutes from regular meeting held on November 9, 2015.
Disposition = Received & Filed
731. County Legislator Edward A. Rath III to LIDA Chairman –
Copy of recently adopted certified resolution regarding "Request for Reconsideration of Recent ECIDA Policies". Disposition = Received & Filed
732. Highway Superintendent to Supervisor –
Appointment of Daniel Palumbo to the position of Laborer Grade #1 in the Town Highway Department effective November 30, 2015.
Disposition = Received & Filed
733. Highway Superintendent to Town Board –
Annual Agreement to Spend Highway Funds. Disposition = For Resolution
734. Supervising Code Enforcement Officer to Town Clerk –
Request for resolution authorizing issuance of 2016 License to Operate a Salvage Yard for Advantage Trucks.com, LLC, 933 Ransom Road.
Disposition = For Resolution
735. Supervisor to David Christopher, NYSDOT –
Copy of correspondence from residents of Lancaster Commons Senior Apartments, 18 Pavement Road regarding concern about the lack of a traffic signal at the intersection of Broadway and Pavement Road.
Disposition = Received & Filed
736. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Division of Sewerage Management, NYSDOT, Erie County DEP –
Request for designation of Town of Lancaster as lead agency for Walden Patios at Pleasant Meadows, corner of Walden Ave. and Juniper Blvd., Proj. #5022.
Disposition = Planning Committee
737. Highway Superintendent to Town Board –
Request for resolution between Town of Lancaster and DiPizio Construction for rental of a storage building at 400 Pfohl Road, Cheektowaga, NY to store sweepers, paver and rollers beginning December 1, 2015 thru February 29, 2016.
Disposition = Resolution 12/7/15
738. Ken O'Brien III to Town Board –
Request for reappointment to the Lancaster Industrial Development Agency for 2016. Disposition = Received & Filed
739. Planning Board to Town Board –
Planning Board Meeting Schedule for 2016. Disposition = Received & Filed
740. NYS Dept. of Public Service to Town Clerk –
Information regarding winter Outreach and Education Campaign.
Disposition = Received & Filed
741. Sean Hopkins, Esq. to Supervisor and Town Board –
Letter requesting to withdraw the pending application to amend the zoning classification of 6525 and 6529 Broadway from Neighborhood Business to General Business District. Disposition = Received & Filed
742. Elma Town Clerk to Supervisor –
Certified resolution passed by the Elma Town Board regarding Refugee Resettlement. Disposition = Received & Filed

- 743. Erie County Dept. of Environment & Planning to Supervisor –
Community Development Block Grant Report (Cumulative) 07/01/15 – 09/30/15.
Disposition = Received & Filed**
- 744. Jim Everett, Performance Advantage Co. to Town Clerk –
Request for reappointment as Commissioner for the Town of Lancaster Dept.
of Recreation & Forestry for another term. Disposition = For Resolution**
- 745. Park Crew Chief to Supervisor and Town Board –
Request for appointment of one individual to the position of part-time permanent
employee for the fall/winter 2015-2016 in the Parks, Recreation & Forestry Dept.
retroactive to December 5, 2015. Disposition = Resolution 12/7/15**
- 746. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at
7:57 P.M.

Signed _____
Johanna M. Coleman, Town Clerk